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                        STATE OF MISSOURI
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                     PUBLIC SERVICE COMMISSION
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                     TRANSCRIPT OF PROCEEDINGS
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                      Local Public Hearing
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 7
                          June 25, 2014
                     Owensville, Missouri
 8
                            Volume 1
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10
    In the Matter of the Application )
     of Peaceful Valley Service ) Case No. SR-2014-0153
    Company's Request for Increase
11
                                        )
     in Sewer Operating Revenues
                                         )
12
     In the Matter of the Application
13
    of Peaceful Valley Service ) Case No. WR-2014-0154
    Company's Request for Increase
                                    )
14
     in Water Operating Revenues)
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                      JUDGE KIM S. BURTON, Presiding
18
                          REGULATORY LAW JUDGE
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21
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- 1 PROCEEDINGS
- JUDGE BURTON: Hello. My name is Kim
- 3 Burton. I'm a Regulatory Law Judge with the Public
- 4 Service Commission.
- 5 We're having a local public hearing in the
- 6 matter of case of Peaceful Valley Service Company's
- 7 request for an increase in their rates. These are
- 8 File No. SR-20140153 and File No. WR-2014--154.
- 9 Now, here with me is Commissioner Stoll,
- 10 if you'd like to say a few words.
- 11 COMMISSIONER STOLL: Okay. Thank you,
- 12 Judge. First of all, I wanted to thank everybody
- 13 for attending the local public hearing this
- 14 evening.
- To let you know, I'm here to listen to
- 16 your testimony and take those comments and concerns
- 17 to my fellow Commissioners. There are five members
- 18 of the Missouri Public Service Commission.
- 19 And the fact that the other four aren't
- 20 here doesn't minimize how we feel about the case.
- 21 As you can see, we'll have a written transcript,
- 22 which they will each take the opportunity to read.
- 23 Your comments will be a part of the official record
- 24 in the case and are considered in the
- 25 decision-making.

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- 1 Again, I'm here to listen to your comments
- 2 and concerns. We're not allowed to answer specific
- 3 questions, but if I did have a question about your
- 4 testimony, I -- I might ask that.
- 5 Feel free to make any comments about the
- 6 service you receive from the company. And with
- 7 that, I look forward to hearing your -- your
- 8 comments regarding this case. Thank you and
- 9 welcome.
- 10 JUDGE BURTON: Now, the procedure for this
- 11 evening is going to be I will be calling each
- 12 individual up in the order that your name is
- 13 listed. And I will swear you in, and you can
- 14 provide your statements.
- 15 And afterwards, as Commissioner Stoll has
- 16 said, he may have an opportunity to ask you some
- 17 clarifying questions. And the attorneys for the
- 18 Office of Public Counsel and for the Staff of the
- 19 Public Service Commission may also ask you some
- 20 questions.
- 21 At that time, you'll -- your statements
- 22 are concluded. We'll go through. If anyone is
- 23 here who doesn't have their name listed on this
- 24 sheet, what will happen is after we are done with
- 25 these individuals, I will see if there's anyone

Page 5 else who wishes to testify. So at this time, I'm going to go ahead and 3 ask the attorney for the Staff of the Public Service Commission to enter his appearance. 4 5 MR. THOMPSON: Thank you, Judge. Kevin Thompson for the Staff of the Missouri Public 6 Service Commission, Post Office Box 360, Jefferson 7 City, Missouri, 65102. 8 9 JUDGE BURTON: Thank you. And for the Office of Public Counsel? 10 MS. BAKER: Thank you. Christina Baker, 11 12 P.O. Box 3200, Jefferson City, Missouri, 65102, 13 appearing on behalf of the Office of Public Counsel 14 and the customers. 15 JUDGE BURTON: All right. Thank you. At this time, would Thomas Eilermann please step 16 17 forward? Now, sir, if you would just raise your 18 right hand. 19 THOMAS EILERMANN, being first duly sworn to testify the truth, the whole 20 21 truth, and nothing but the truth, testified as follows: 22 TESTIMONY OF THOMAS EILERMANN 23 JUDGE BURTON: Okay. Thank you. MR. EILERMANN: Excuse me. I am the 24 President of Peaceful Valley Property Owners 25

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- 1 Association, and I am a former President of
- 2 Peaceful Valley Service Company, so I know a little
- 3 bit about the service company as well as the
- 4 association.
- 5 A couple of facts that you need to know.
- 6 The last time we got a rate increase was about
- 7 seven, eight years ago. And one of the things the
- 8 Public Service Commission said to this service --
- 9 and I was present at the time. They said we needed
- 10 to operate the service company not like a mom and
- 11 pop grocery store. We needed to be more business
- 12 like. And we did that. We started -- we
- 13 got new computer system, new billing systems, which
- 14 all should have been considered under the rate
- 15 increase we're asking now.
- 16 Also, the fact that we went after people
- 17 who basically owed us money. We went after those
- 18 people with a -- with abandonment. And we went
- 19 after people who -- our record keeping wasn't as
- 20 good as it probably was.
- 21 So we -- so the water company started to
- 22 make some money. That comes to my point to the
- 23 fact that we -- you're asking for a decrease in the
- 24 water rate. And that money is going to be used to
- 25 fund some of the different activities like engineer

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- 1 reports and everything else.
- 2 And by cutting it, you're -- you're going
- 3 into the profit association. You're going into
- 4 studies. You're going into various different
- 5 activities like my colleague back there. The
- 6 Peaceful Valley Board is in favor of a larger
- 7 increase.
- 8 The other thing that somebody mentioned
- 9 was the environmental hazards. There's probably
- 10 not a bigger environmentalist in this room than
- 11 myself. But that sewage lagoon has fish living in,
- 12 has, excuse me, water fowl living in it, muskrats,
- 13 turtles. You name it, it -- it lives in there.
- 14 And there's no problem with that thing.
- 15 So it can't be too bad. And they've lived in there
- off and on since the sewage lagoon was bought.
- 17 Now, granted there's an ammonia. Being a
- 18 former school teacher, knowing that it's affected
- 19 by a lot of a -- the ammonia is affected by a lot
- 20 of different things.
- 21 Right now, the bacteria in the lake is
- 22 kicking up and its eating up a lot of the ammonia
- 23 and the nitrogen that go into causing the problem.
- In the wintertime, the bacteria slows down
- or decreases. And last year, we had an extremely

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- 1 cold winter, so the bacteria was probably almost
- 2 non-existent. When the weather warmed up, it
- 3 kicked back in.
- 4 The other thing that goes into effect is
- 5 the fact that it seems to me, and the people
- 6 mentioned this earlier, too, the right hand doesn't
- 7 know what the left hand is doing. The EPA/DNR --
- 8 and what this gentleman here mentioned, the fact
- 9 that we've got a huge sewage lagoon, a small-time
- 10 operation like ourself, how can we operate with
- 11 this thing when they wouldn't loan us money and,
- 12 what do you a call it, grants were hard to come by
- 13 and everything else?
- 14 And each time that we go in front of some
- 15 different agent, they throw a different scenario
- 16 out in front of us. The purpose of the service
- 17 company and the purpose of the Public Service
- 18 Commission is that we -- we give good service to
- 19 the people, that the water is safe to drink, that
- 20 the sewage lagoon is taken care of.
- Now, granted, this is no more complicated
- 22 than the ancient Romans and Greeks used to do as
- 23 far as sewage lagoons. It goes into a thing. It
- 24 sits in there. The bacteria, what do you call it,
- 25 cleans it up.

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- 1 But my biggest complaint is the fact that
- 2 the rate increase isn't enough and the fact that
- 3 every situation needs to be weighed on its own, not
- 4 just one general, what do you call it, recipe for
- 5 everything.
- In other words, if you've got a person
- 7 that's a diabetic, somebody has heart disease, you
- 8 don't necessarily serve them the same food. These
- 9 -- we do not have the same situation.
- 10 And I live in St. Louis County. It's
- 11 American Water Company and, what do you call it,
- 12 Ameren Electric. We don't have the money and the
- 13 resources to do this thing.
- 14 And going back to my day as a service
- 15 company, okay, what they said is you have to pay
- 16 for the things first. The reserves in the service
- 17 company are not high enough to even do the research
- 18 and the planning for this thing.
- In other words, they're going to have to
- 20 dip into their reserves in order for the -- for
- 21 them to pay for this thing. So maybe the State
- 22 Legislature, maybe you guys can -- can look at this
- 23 and say, Hey, we can't have one size fits all.
- 24 And that's all I've got to say. Thank you
- 25 for your time.

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- 1 JUDGE BURTON: Oh, Mr. Eilermann, before
- 2 you start, I just want to clarify, your last name
- 3 is spelled E-i-l-e-r-m-a-n-n?
- 4 MR. EILERMANN: Yes, ma'am. It's my
- 5 German ancestors.
- JUDGE BURTON: Okay.
- 7 COMMISSIONER STOLL: I wanted to ask, when
- 8 you started, you were talking about that the water
- 9 piece of this can't really take a rate decrease.
- 10 Is that what you said?
- 11 MR. EILERMANN: I'm saying that that's
- 12 where the profit comes. The profit comes from --
- 13 if you take the -- the actual bill paying, the,
- 14 what do you call it, the sewers and the people who
- 15 have houses, they pay for the bills.
- 16 The other little bit that people -- water
- 17 availability, that's where the profit comes in.
- 18 And the profit is important because it allows, what
- 19 do you call it, money to build up in reserves.
- Now, when I was on the Board, we always
- 21 had a great fear that these pipes that were put in
- 22 in the late 1960s were going to go kaput. And
- 23 again, knowing the rules of the Public Service
- 24 Commission, playing by the rules, we felt like we
- 25 needed to have the money in case these -- these

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- 1 water pipes and sewer pipes start to break down so
- 2 we can fix them as they start to break down.
- 3 Again, nothing lasts forever. They're
- 4 man-made. So we were trying to build up the
- 5 reserves as high as we possibly can.
- 6 Again, they used the reserves to build --
- 7 to build a water tower about 12 years ago, 15 years
- 8 ago?
- 9 MR. HOERNSCHEMEYER: 2002. Yeah.
- 10 MR. EILERMANN: Yeah. So in other words,
- 11 that money went into building the infrastructure at
- 12 the lake. So consequently, you have to look at the
- 13 big picture.
- 14 And I'm not sure the Public Service --
- 15 again, one size fits all. And in this case, it's
- 16 -- it wasn't right.
- 17 COMMISSIONER STOLL: Okay. No other
- 18 questions at this time. Thank you for your
- 19 testimony.
- JUDGE BURTON: Thank you.
- MR. EILERMANN: Thank you.
- JUDGE BURTON: One moment, please. Office
- 23 of Public Counsel, do you have any questions?
- MS. BAKER: No questions. But thank you
- 25 for your testimony.

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1	MR. THOMPSON: No questions, Judge. Thank
2	you. Thank you, Mr. Eilermann.
3	MR. EILERMANN: You're quite welcome.
4	JUDGE BURTON: Let me just add too,
5	please, when I call you up and to swear you in,
6	spell your your name for the record to assist
7	the court reporter as well as myself. And next, we
8	have August, and I apologize, Hoernschemeyer.
9	Okay. And is it Hoernschemeyer?
10	MR. HOERNSCHEMEYER: Hoernschemeyer.
11	Right.
12	JUDGE BURTON: Very good. Would you
13	please raise your right hand?
14	AUGUST HOERNSCHEMEYER,
15	being first duly sworn to testify the truth, the whole
16	truth, and nothing but the truth, testified as follows:
17	TESTIMONY OF AUGUST HOERNSCHEMEYER
18	JUDGE BURTON: Okay. And could you please
19	spell your last name?
20	MR. HOERNSCHEMEYER: My name is August
21	Hoernschemeyer, H-o-e-r-n-s-c-h-e-m-e-y-e-r.
22	JUDGE BURTON: Thank you.
23	MAN IN AUDIENCE: That's why we call him
24	Gus.
25	MR. HOERNSCHEMEYER: I am the present

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- 1 President of the Peaceful Valley Service Company.
- 2 I'm -- I'm a registered engineer in the State of
- 3 Missouri. I am also a volunteer member of this
- 4 Board.
- 5 I have prepared a written statement or --
- 6 that I would like to really read and then enter
- 7 into the formal minutes of this meeting.
- 8 JUDGE BURTON: That's fine.
- 9 MR. HOERNSCHEMEYER: Okay. Peaceful
- 10 Valley Service Company. This paper was prepared to
- 11 present at the Missouri Public Service Commission
- 12 public hearing regarding the rate increase
- 13 requested by the Peaceful Valley Service Company
- 14 under SR such-and-such and WR such-and-such. The
- 15 meeting is to be held on June 24th, 2014, at
- 16 Owensville City Hall beginning at 6:30 p.m. This
- 17 paper will be presented at the public meeting for
- 18 inclusion in the minutes of that meeting.
- 19 History of the request for rate increase.
- 20 Peaceful Valley Service Company is the holder of
- 21 Operating Permit No. MO0041467, which allows the
- 22 company to operate a sewage treatment lagoon and
- 23 discharge credent water into an unnamed tributary
- 24 of Cedar Branch.
- Discharge is assessed monthly to ensure

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- 1 that permit levels are not exceeded. The lagoon
- 2 permit expired in 2012.
- 3 And in early 2013, the company received a
- 4 notice from the DNR that a new permit would be
- 5 issued, but it would contain new restrictions on
- 6 ammonia that our present lagoon did not meet and
- 7 probably would not be able to meet without major
- 8 changes.
- 9 The new permit would also require that we
- 10 hire a consulting engineer to study the problem and
- 11 come up with some alternate designs that would meet
- 12 the new ammonia limits.
- 13 The final permit requires that work be
- 14 completed by January 1st, 2018. Subsequently, the
- 15 service company hired Integrity Engineering of
- 16 Rolla to make the study and cost estimates for the
- 17 various options.
- 18 Their opinion was that the lagoon was
- 19 obsolete and could not be used to meet the ammonia
- 20 restrictions. The least expensive option was to
- 21 abandon the lagoon, install a new bio filter system
- 22 treatment plant. Estimated cost for this system
- 23 installation was \$1,115,000.
- 24 Spreading this cost out over 20 years
- 25 results in a net monthly cost per home of \$46.12.

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- 1 This is the revenue increase we would need to pay
- 2 for this project. Obviously, we would need a
- 3 revenue stream adequate to pay for this approval
- 4 before we could even talk to anyone about
- 5 financing.
- 6 Since our rates are controlled by the
- 7 Public Service Commission, we apply to the PSC for
- 8 a rate increase. 171 homes times \$46 per month
- 9 comes out to be 93,840 per year. This is the
- 10 amount we requested and what we would need to pay
- 11 for the project.
- 12 After their audit, the Public Service
- 13 Commission decided that we could only get a \$7.28
- 14 increase in our sewer rate and would have to lower
- our water rate by \$.53. We had no choice but to
- 16 accept.
- 17 But even with the increase, we will lose
- 18 money next year due to legal and engineering costs
- in connection with the project and meeting DNR's
- 20 requirement.
- Our company faces a dilemma in that one
- 22 State agency is telling us that we need to spend a
- 23 million dollars, but another State agency is
- 24 telling us that we can't charge enough for our
- 25 services to pay for it.

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- 1 We are a small lake community of 171
- 2 homes, and we need someone to tell us how to
- 3 proceed. Public Service -- Peaceful Valley Service
- 4 Company Board of Directors. That is the end of my
- 5 statement.
- JUDGE BURTON: Thank you. Thank you.
- 7 MR. HOERNSCHEMEYER: Yeah. I would like
- 8 to place this in the record. Whoops. Excuse me.
- 9 That's a written copy for you. Thank you. Any
- 10 questions?
- 11 COMMISSIONER STOLL: I have no questions
- 12 at this time, but I do appreciate your comments.
- 13 And that will be entered into the record by you
- 14 verbally saying that, too. So thank you, sir.
- JUDGE BURTON: Okay. Any questions?
- MS. BAKER: No questions.
- 17 MR. THOMPSON: I have a couple if that's
- 18 okay. Good evening, Mr. Hoernschemeyer.
- MR. HOERNSCHEMEYER: Yes.
- 20 MR. THOMPSON: Am I correct in
- 21 understanding that the Homeowners Association owns
- the company?
- MR. HOERNSCHEMEYER: That is correct.
- MR. THOMPSON: And does the company have
- 25 any customers that are not members of the

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1	Homeowners Association?
2	MR. HOERNSCHEMEYER: No.
3	MR. THOMPSON: Very good. Thank you.
4	JUDGE BURTON: Next, Mr. Richard Pierce?
5	MR. HICKS: I everything that I was
6	going to say has been said already from Tom and
7	Gus.
8	JUDGE BURTON: Okay. Thank you. Jim
9	Verhulst?
10	MR. MERCIEL: My questions have been
11	answered, also.
12	JUDGE BURTON: All right. Mel Dahlke?
13	MR. DAHLKE: No questions.
14	JUDGE BURTON: Okay. John Kamler?
15	MR. KAMLER: I'm just here as Mayor.
16	JUDGE BURTON: Okay. Don Angell?
17	MR. ANGELL: Angell.
18	JUDGE BURTON: Angell.
19	JUDGE BURTON: Would you please raise your
20	right hand?
21	DON ANGELL,
22	being first duly sworn to testify the truth, the whole
23	truth, and nothing but the truth, testified as follows:
24	TESTIMONY OF DON ANGELL
25	JUDGE BURTON: Okay. Could you please

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- 1 state and spell your name for the record?
- 2 MR. ANGELL: Don Angell, A-n-g-e-l-l.
- JUDGE BURTON: Okay. Thank you.
- 4 MR. ANGELL: I've only been a -- been a
- 5 homeowner at Peaceful Valley for just a couple of
- 6 years now. But the first thing I would like to add
- 7 is that I do not agree with the reduction in the --
- 8 in one service, the water service, as was said here
- 9 earlier.
- 10 So I'd like to just go on the record just
- 11 saying that I -- I agree that, you know, we -- we
- 12 still need to maintain what we have and the funds
- 13 that are coming in, I believe that that should not
- 14 be a reduction in that rate.
- The next thing that I would like to say is
- 16 that I think all of us got a bit shell-shocked,
- 17 whenever it was, September-ish of last year, a
- 18 letter was sent out to all the -- the homeowners,
- 19 which mentioned this million, million and a half
- 20 dollars, whatever it was about upcoming.
- 21 And I keep -- I keep here hearing an
- 22 ammonia plant mentioned, you know, if that's future
- 23 or whatever. In -- in the business where I work,
- 24 my title is Plant Engineer. I deal with a lot of
- 25 engineers.

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- 1 I've had some conversations with some
- 2 engineers about these sort of -- sorts of issues,
- 3 what they're doing to -- to -- to combat these,
- 4 what they have done, what they are doing and
- 5 continuing doing. And the cost seems strenuous to
- 6 me.
- Now, the thing I didn't realize, which I
- 8 heard here tonight, that -- that the lagoon has to
- 9 be abandoned and a new one built. So that sheds
- 10 some new light on some more monies.
- But I hear other engineering people that
- 12 I've talked to talk about spray irrigation systems,
- 13 which I understand are being done for a lot of
- 14 these -- these type of situations.
- 15 And if we have additional land, if we
- 16 don't have to buy -- buy additional land below the
- 17 present lagoon, I've been told these systems can be
- 18 put in for -- for cost in the neighborhoods of a
- 19 150 to \$250,000 versus this -- this other money
- 20 that's been talked.
- 21 So I guess I just wanted to say that I
- 22 don't know if we've researched that, but the pump
- 23 spray irrigation, I would just like for that to be
- 24 researched and see if it's a -- if it's a cheaper
- 25 possibility. Thank you.

Page 20 1 JUDGE BURTON: Thank you, sir. 2 Commissioner Stoll? 3 COMMISSIONER STOLL: No. I have no questions. But thank you for being here and giving 4 5 your testimony. JUDGE BURTON: Office of Public Counsel? 7 MS. BAKER: No questions. Thank you. MR. THOMPSON: No questions. Thank you, 8 9 Judge. 10 JUDGE BURTON: Thank you, sir. Are there any other individuals who would like to offer 11 12 statements for the record? Okay. Seeing no hands, I want to thank 13 everyone for coming out here tonight and expressing 14 15 your opinions and your thoughts and showing your 16 interest in what's going on with your water system. 17 And with that, I'll go ahead and conclude this local public hearing, and we'll go off the 18 19 record. Thank you. 20 MR. THOMPSON: Thank you, Judge. 21 MS. BAKER: Thank you. 22 (The proceedings were concluded at 6:10 p.m. on 23 June 25, 2014.) 2.4 25

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1	REPORTER'S CERTIFICATE
2	
3	STATE OF MISSOURI)
)ss.
4	COUNTY OF OSAGE)
5	
6	I, Monnie S. Mealy, Certified Shorthand Reporter,
7	Certified Court Reporter #0538, and Registered Professional
8	Reporter, within and for the State of Missouri, do hereby
9	certify that I was personally present at the proceedings as
10	set forth in the caption sheet hereof; that I then and there
11	took down in stenotype the proceedings had at said time and
12	was thereafter transcribed by me, and is fully and accurately
13	set forth in the preceding pages.
14	
15	IN WITNESS WHEREOF, I have hereunto set my hand and
16	seal on, 2014.
17	
18	
19	
20	Monnie S. Mealy, CSR, CCR #0538
21	Registered Professional Reporter
22	
23	
24	
25	

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